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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,810	12/17/1999	DAVID D. BOHN	10991692-1	7982

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FORT COLLINS, CO 80527-2400

EXAMINER

LESPERANCE, JEAN E

ART UNIT	PAPER NUMBER
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2674

19

DATE MAILED: 06/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/471,810

Applicant(s)

BOHN, DAVID D.

Examiner

Jean E Lesperance

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 4-27-2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35 and 43-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-31 is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-12, 14, 16-26, 32-35 and 43-51 is/are rejected.
- 7) ☒ Claim(s) 6, 7, 13, and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

This application, filed under former 37 CFR 1.60, lacks formal drawings. The informal drawings filed in this application are acceptable for examination purposes. When the application is allowed, applicant will be required to submit new formal drawings. In unusual circumstances, the formal drawings from the abandoned parent application may be transferred by the grant of a petition under 37 CFR 1.182.

Claim 1-35 and 43-51 are presented for examination.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-12, 14, 16-26, 32-35, and 43-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent # 6,256,030 ("Berry et al.").

As to claims 1, 8, 17, 22, and 32, Berry et al. teach a screen display (16) with a picture (15) (Fig.1) corresponding to a display showing an image wherein an image is displayable on said display; and, a mouse Fig.1 (13) corresponding to a navigation sensor, whereby a movement of said electronic device relative to a surface in close

proximity to said navigation sensor is sensed by said navigation sensor and said movement includes moving said display and said movement produces a change in said image that is showing on said display. The movement of the mouse moves the cursor on the display screen 16 where the mouse is in close proximity relative to the surface and the movement also includes moving the display, which produces a change in the display every time the cursor moves to a different location. The prior art does not explicitly teach a navigation sensor. The prior art teaches a mouse using by the user to control navigation between levels.

Thus, it would have been obvious to a person of ordinary skill in the art to modify the mouse to achieve the function of the navigation sensor because this would provide the navigation between levels of a composite object in a predictably graphical user interface in a pointing device.

As to claims 2-5, Berry et al. teach the command to move the cursor on the display Fig.1 (15) corresponding to moving a cursor displayed on said display; it is inherent to scroll and panning in a graphical user interface because the cursor can be used to navigate corresponding to scrolling at least part of said image displayed on said display; a screen display Fig.1 (16) which displays the coordinates data defines by the cursor location corresponding to displaying a first part of a scanned image; a screen display Fig.1 (16) which displays another coordinates data when the cursor moves to change to a different part of the display showing a different part of a second image at least part of which is displayed on said display

As for claims 9-12, 14, and 16, Berry et al. teach the command to move the cursor on the display Fig.1 (15) corresponding to moving a cursor displayed on said display; it is inherent to scroll and panning in a graphical user interface because the cursor can be used to navigate corresponding to scrolling at least part of said image displayed on said display; a screen display Fig.1 (16) which displays the coordinates data defines by the cursor location corresponding to displaying a first part of a scanned image; a screen display Fig.1 (16) which displays another coordinates data when the cursor moves to change to a different part of the display showing a different part of a second image at least part of which is displayed on said display.

As for claims 17 and 22, Berry et al. teach a mouse using by the user to control navigation between levels Fig.1 (130) where the mouse has a photo sensor to detect movement corresponding to moving the entire device including said display relative to a surface upon which said device is placed. When the mouse moves relative to the surface the display moves according to the cursor displacement where X and Y have a new set of coordinates.

As to claims 18-21 and 23-26, Berry et al. teach the command to move the cursor on the display Fig.1 (15) corresponding to moving a cursor displayed on said display; it is inherent to scroll and panning in a graphical user interface because the cursor can be used to navigate corresponding to scrolling at least part of said image displayed on said display; a screen display Fig.1 (16) which displays the coordinates data defines by the cursor location corresponding to displaying a first part of a scanned image; a screen display Fig.1 (16) which displays another coordinates data when the

cursor moves to change to a different part of the display showing a different part of a second image at least part of which is displayed on said display.

As for claim 32, Berry et al. teach a screen display Fig.1 (16) which displays the coordinates data defines by the cursor location corresponding to displaying a first part of a scanned image; a screen display Fig.1 (16) which displays another coordinates data when the cursor moves to change to a different part of the display corresponding to displaying a second part of said scanned image in response to relative movement between a scanning device and a surface in close proximity to said scanning device. The examiner interpreted the mouse Fig.1 (13) as a scanner.

As to claims 33-35 and 43-51, Berry et al. teach the command to move the cursor on the display Fig.1 (15) corresponding to moving a cursor displayed on said display; it is inherent to scroll and panning in a graphical user interface because the cursor can be used to navigate corresponding to scrolling at least part of said image displayed on said display; a screen display Fig.1 (16) which displays the coordinates data defines by the cursor location corresponding to displaying a first part of a scanned image; a screen display Fig.1 (16) which displays another coordinates data when the cursor moves to change to a different part of the display showing a different part of a second image at least part of which is displayed on said display.

***Allowable Subject Matter***

Claims 6, 7, 13, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 27-31 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the claimed invention is directed to an electronic scanning device. Dependent claims 6 and 13 identify a uniquely distinct feature "a first button, whereby said movement of said part of said user and said first button may be operated in cooperation to mimic at least one function of a computer mouse being used with a graphical user interface". Dependent claims 7 and 15 identify a uniquely distinct feature "a second button, whereby said movement of said part of said user, said first button, and said second button may be operated in cooperation to mimic more than one function of a computer mouse being used with a graphical user interface". Independent claim 27 identifies a uniquely distinct feature "an image sensor for scanning an image; a display that displays a first part of a scanned version of said image, a navigation sensor that detects relative movement between said scanning device and a surface in close proximity to said navigation sensor whereby said relative movement changes said display to displaying a second part of said scanned version of said image". The closest art Berry et al. as discussed above fails to anticipate or render the above underlined limitations obvious.

***Response to Amendment***

Applicant's arguments filed 4-27-2004 have been fully considered but they are not persuasive. The applicant argued that the prior art does not teach, "whereby movement of said electronic device relative to a surface in close proximity to said navigation sensor is sensed by said navigation sensor". The examiner disagrees with that argument because the prior art teaches a mouse 13 relative to the display 16 where the movement of the mouse 13 changes the cursor 15 position which produces a change and a move in said image on the display. The applicant argued that the prior art has no disclosure related to moving the monitor along with the mouse to cause the displayed image to change. The examiner agrees with the applicant that the prior art has no disclosure related to moving the monitor along with the mouse to cause the displayed image to change because it is not a claimed limitation. There is nowhere in the claim that it says "moving the monitor along with the mouse to cause the displayed image to change". Therefore, the above statement is not relevant. The applicant argued that the prior art does not teach moving the entire device including said display relative to a surface. Again the examiner disagrees with the applicant because as mentioned above, as the mouse 13 is moving the cursor 15 also moves on the display 16 to change the entire image. Therefore, the rejection is maintained.

### **Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Lesperance whose telephone number is (703) 308-6413. The examiner can normally be reached on from Monday to Friday between 8:00AM and 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709 .

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or

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proceeding should be directed to the technology Center 2600 Customer Service Office  
whose telephone number is (703) 306-0377.

Jean Lesperance



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Date 6-2-2004

  
**XIAO WU**  
**PRIMARY EXAMINER**